

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ANTWAN MYLES,

Petitioner,

vs.

**9:17-CV-862
(TJM/DEP)**

THOMAS GRIFFIN,

Respondent.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

The Court referred this Petition for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2254 to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). The October 30, 2018, Report-Recommendation, dkt. # 19, recommends that the Court deny and dismiss the Amended Petition in all respects and decline to issue a certificate of appealability.

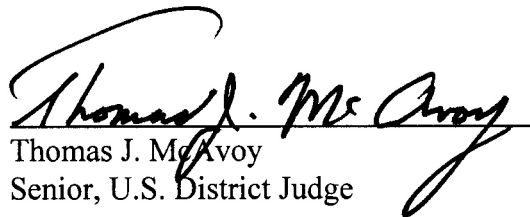
No party objected to the Report-Recommendation, and the time for such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the Report-Recommendation.

Accordingly,

The Report-Recommendation of Magistrate Judge Peebles, dkt. # 19, is hereby **ACCEPTED** and **ADOPTED**. Petitioner's amended petition for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2254, dkt. # 7, is hereby **DENIED AND DISMISSED**. The Court declines to issue a certificate of appealability. The Clerk of Court is hereby **DIRECTED** to **CLOSE** the case.

IT IS SO ORDERED.

DATED: April 8, 2019


Thomas J. McAvoy
Senior, U.S. District Judge